



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q80999

Mayumi TAKAMORI, *et al.*

Appln. No.: 10/827,448

Group Art Unit: 1621

Confirmation No.: 2726

Examiner: Porfirio Nazario GONZALEZ

Filed: April 20, 2004

For: NOVEL ORGANOMETALLIC IRIIDIUM COMPOUND, PROCESS OF
PRODUCING THE SAME, AND PROCESS OF PRODUCING THIN FILM

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

MAIL STOP ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The Examiner, at Section No. 1 (page 2) of the Notice of Allowability mailed December 14, 2004, included a *Statement of Reasons for Allowance*. Therein, the Examiner states that the Fujisawa et al. and Kawano et al. references “are not available as prior art to reject claims 1, 3, 5, and 7.”

In accordance with the Examiner’s statement above, Applicants are submitting herewith a sworn translation of Japanese Patent Application No. 2003-120110 (“JP ‘110”) filed April 24, 2003, from which the present application claims foreign priority benefit.

JP ‘110 provides adequate §112 support for each of Claims 1, 3, 5, and 7 of the present application.

The compound of Claim 1 is supported, for example, by the description of Claim 1 at page 1 of the sworn translation.

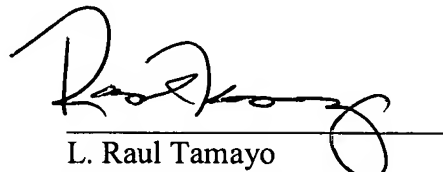
The processes of Claims 5 and 7 are supported, for example, by the description at paragraphs [0001] and [0007] of the sworn translation.

The process of Claim 3 is supported, for example, by the description at paragraphs [0019] and [0021] (Example 1) of the sworn translation.

With respect to the requirement in Claim 3 that M represents an alkali metal, the use of lithium ethylcyclopentadienide in Example 1 of the sworn translation provides adequate support in the manner required by §112. In particular, the use of lithium ethylcyclopentadienide in Example 1 of the sworn translation is an example of a situation where one species (lithium) adequately supports a genus (alkali metal). *See*, MPEP §2163.05(I); In re Smythe, 480 F.2d 1376, 1382-83, 178 USPQ 279, 285 (CCPA 1973).

In this regard, a person of ordinary skill in the art, reading the disclosure in the sworn translation, would “instantly recall” other species of the alkali metal genus already “stored” in their minds. The genus of alkali metals would “naturally occur” to a person of ordinary skill in the art upon reading the disclosure of the sworn translation. This is especially true where, as here, the genus (alkali metal) contains a total of six species (including lithium).

Respectfully submitted,



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WASHINGTON OFFICE

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Date: March 10, 2005



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STATEMENT

Assistant Commissioner for Patents
Alexandria, VA 22313-1450

Sir/Madam:

I, Hiroshi Okamoto, do depose, declare and state:

THAT I am a citizen of Japan located at Ark Mori Bldg. 13F, 12-32, Akasaka
1-chome, Minato-ku, Tokyo 107, Japan.

THAT I well understand the Japanese and English languages and attached is an
accurate English translation made by me of Japanese Patent Application No. 2003-120110
filed April 24, 2003.

Date : February 14, 2005

Name :

Hiroshi OKAMOTO